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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,476	10/20/2003	William E. Welnick	33692.03.3181	7881
23418 7590 12/12/2007 VEDDER PRICE KAUFMAN & KAMMHOLZ 222 N. LASALLE STREET CHICAGO, IL 60601			EXAMINER JONES, PRENELL P	
			ART UNIT 2619	PAPER NUMBER
			MAIL DATE 12/12/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/689,476

Applicant(s)

WELNICK ET AL.

Examiner

Prenell P. Jones

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/01/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant argues that the secondary reference (fails to teach or suggest "a logic circuitry that generates reverse link limited channel data that includes at least one of channel identification data associated with the channel that has been determined to have a reverse link limitation, or base station identification data associated with the channel determined to have a reverse link limitation, or a location identification indicating the location of the reverse link limitation. " Examiner withdraws previous 103 rejections.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorenson et al (US Pat 6,43,298) in view of Agashe et al (US PG PUB 2004/0132402).

Regarding claims 1, 3, 4, 10, 13, 16 and 21, Sorenson discloses improving automatic switching, as it is associated with controlling power in a reverse link limited CDMA wireless broadcast environment, wherein the architecture includes BS/base stations, MS, wireless communication device associated with reverse link limited situation, wherein mobile (logic circuit) can generate reverse link limited situation/channel, and access probe failure is detected and monitored, BS communicates message data on a channel to network elements (broadcast), attempting to acquire identification, and the detection of Ack are utilized (Fig. 2 and 3, col. 4, line 35-56, col. 6, line 55 thru col. 7, line 35, col. 9, line 24-67, col. 11, line 23-67).

Although, Sorenson is silent on base station identification associated with a channel determined to have a reverse link limitation, it is well known in the art that channel data along with other communication parameters are transmitted/broadcast via messages in a wireless communication system. In addition, it is known in the art to broadcast system parameters, such as device and location identification as to manage allocation of resources.

In a wireless system that implements utilizing reverse link communication and managing channel resources, Agashe et al discloses broadcasting services in a communication system wherein broadcast information includes various parameters, such as base station identification numbers (paragraph 0027).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement associating identifying BS and channel data as taught by Agashe with the teachings of Sorenson for the purpose of further improve switching in the efforts of managing access to communication resources.

Regarding claim 2, 6-8 and 15 as indicated above, Sorenson discloses improving automatic switching, as it is associated with controlling power in a reverse link limited CDMA wireless broadcast environment, wherein the architecture includes BS/base stations, MS, wireless communication device associated with reverse link limited situation, wherein mobile (logic circuit) can generate reverse link limited situation/channel, and access probe failure is detected and monitored, BS communicates message data on a channel to network elements (broadcast) ,and the detection of Ack are utilized, Sorenson further discloses attempting to register wireless device with BS. Sorenson further avoids attempting to register device on close proximity to location containing reverse link limited data as to minimize interference (col. 5, line 20-67, col. 9, line 24-67, col. 6, line 40-67).

Regarding claims 17, 18, 19 and 20 as indicated above, Sorenson further discloses attempting to retrieve access probe failure information broadcast with in a elapsed time period, as well as registration attempts (Fig. 2 and 3).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

December 5, 2007

  
12/10/07  
WING CHAN  
SUPERVISORY PATENT EXAMINER